



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### VALLEY REGIONAL OFFICE

4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801

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L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

Amy Thatcher Owens  
Regional Director

## STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION

### ORDER BY CONSENT ISSUED TO

**Berryville Graphics, Inc.**  
**Registration #: 80400**

#### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1187, -1184, -1307(D), -1309, and -1316(C), between the State Air Pollution Control Board and Berryville Graphics, Inc., for the purpose of resolving certain alleged violations of environmental law and regulations.

#### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Order, and incorporates the additional terms and conditions as set out in Appendix A to this document.
6. "Berryville Graphics" means Berryville Graphics, Inc., a Virginia Company which owns and operates a book printing facility.
7. "Facility" means Berryville Graphics, Inc.'s, book printing facility located at 25 Jack Enders Boulevard, Berryville, VA.
8. "VRO" means the Valley Regional Office of DEQ, located at 4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801.
9. "CFR" means Code of Federal Regulations.
10. "The Permit" means Berryville Graphics' Stationary Source Permit to Modify and Operate, dated January 6, 2006.
11. "The Regulation" means the Virginia Regulations for the Control and Abatement of Air Pollution, 9 VAC 5-10-10 et seq.

#### **SECTION C: Findings of Facts and Conclusions of Law**

1. Berryville Graphics is the owner and operator of the Facility, which is the subject of a Notice of Violation issued on March 15, 2007. On February 27, 2007, DEQ received Berryville Graphics' Compliance Test Report Determination of Volatile Organic Compounds Removal Efficiency and Visible Emissions ("Report"). The Report summarized air pollution control equipment testing, and was required by Conditions 21 and 22 of the Permit. The testing was conducted on January 18, 2007.
2. According to the Report, the results of the testing demonstrating VOC removal efficiency for the catalytic incinerator (Q4000) serving Press 2280 appeared to be invalid (-104.4%). Condition 4 of the Permit states that each catalytic incinerator shall maintain a control efficiency for volatile organic chemical (VOC) emissions of no less than 95.0%, on a mass basis (9 VAC 5-80-1180 and 9 VAC 5-50-260 of the Regulation).
3. Additionally, the Report indicated that the performance test was run at an artificially low rate (approximately 44% of maximum speed and 40% coverage) in apparent violation of 9 VAC 5-50-30 of the Regulation which requires performance tests to be run at "representative performance." Condition 21 of the Permit states that initial performance tests shall be conducted for VOCs from the catalytic oxidizer (Q4000) serving Press 2280 to determine compliance with the control efficiency requirement contained in Condition 4. The tests shall be performed, reported, and demonstrate compliance within 60 days after achieving the maximum production rate at which Press 2280 will be operated but in no event later than 180

days after start-up of the permitted Press 2280. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 of the Regulation. (9 VAC 5-50-30 and 9 VAC 5-80-1200 of the Regulation).

4. Pursuant to 9 VAC 5-50-30. C of the Regulation: "Performance tests for new or modified sources shall be conducted under conditions which the board shall specify to the owner based on representative performance of the source. The owner shall make available to the board such records as may be necessary to determine the conditions of the performance tests. Operation during periods of startup, shutdown and malfunction shall not constitute representative conditions for the purpose of a performance test. During the initial performance test, emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction shall not be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard."

#### **SECTION D: Agreement and Order**

By virtue of the authority granted it in Va. Code §§10.1-1309 and 10.1-1316, the Board orders Berryville Graphics, and Berryville Graphics agrees, to perform the actions described in Appendix A and Appendix B of this Order. In addition, the Board orders Berryville Graphics, and Berryville Graphics voluntarily agrees, to pay a civil charge of **\$1,734.00** within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

The payment shall include Berryville Graphics' Federal ID number and shall state that it is being tendered in payment of the civil charge assessed under this Order.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Berryville Graphics, for good cause shown by Berryville Graphics, or on its own motion after notice to Berryville Graphics and its opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Berryville Graphics admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Berryville Graphics consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Berryville Graphics declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right of Berryville Graphics to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Berryville Graphics to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Berryville Graphics shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Berryville Graphics shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Berryville Graphics shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Berryville Graphics intends to assert will result in the impossibility of

compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Berryville Graphics. Notwithstanding the foregoing, Berryville Graphics agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. Berryville Graphics petitions the Director or his designee to terminate the Order after it has completed all requirements of the Order and the Director or his designee approves the termination of the Order; or
  - b. The Director or the Board may terminate this Order in his or its whole discretion upon 30 days' written notice to Berryville Graphics.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Berryville Graphics from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By appropriate signature below, Berryville Graphics voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of May 15, 2007.

Amy Thatcher Owens  
Amy Thatcher Owens, Regional Director  
Valley Regional Office  
Department of Environmental Quality

Berryville Graphics voluntarily agrees to the issuance of this Order.

By: Bob Pol  
Date: 5/14/07

Commonwealth of Virginia

City/County of Clarke

The foregoing document was signed and acknowledged before me this 15 day of  
May, 2007, by Louis A. Hall, who is  
(name)

CS of Berryville Graphics, on behalf of Berryville Graphics.  
(title)

Louis A. Hall  
Notary Public

My commission expires: 3-31-08

## APPENDIX A

In addition to the foregoing, the Virginia State Air Pollution Control Board orders Berryville Graphics, and Berryville Graphics voluntarily agrees, to implement this corrective action plan as an additional provision to this Order. Based on the information obtained to date, DEQ has determined and Berryville Graphics agrees that Berryville Graphics must comply with the terms and conditions as set out below:

1. Repeat performance tests shall be conducted for VOCs from the catalytic oxidizer (Q4000) serving Press 2280 to determine compliance with the control efficiency requirement contained in Condition 4. The tests shall be performed, reported, and demonstrate compliance within 60 days after achieving the maximum production rate at which Press 2280 will be operated but in no event later than **January 31, 2008**. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests are to be arranged with the Air Compliance Manager, Valley Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Air Compliance Manager, Valley Regional Office, within 45 days after test completion and shall conform to the test report format provided in Appendix B.
2. Concurrently with the initial performance test, Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall also be conducted on the catalytic oxidizer (Q4000) serving Press 2280. Each test shall consist of ten (10) sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Air Compliance Manager, Valley Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The evaluation shall be performed, reported, and demonstrate compliance within 60 days after achieving the maximum production rate at which Press 2280 will be operated but in no event later than **January 31, 2008**. One copy of the test result shall be submitted to the Air Compliance Manager, Valley Regional Office, within 45 days after test completion and shall conform to the test report format provided in Appendix B.

## **APPENDIX B**

### **SOURCE TESTING REPORT FORMAT**

#### Report Cover

1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Test Dates.
4. Tester; name, address and report date

#### Certification

1. Signed by team leader/certified observer (include certification date)
2. Signed by responsible company official
3. \*Signed by reviewer

#### Copy of approved test protocol

#### Summary

1. Reason for testing
2. Test dates
3. Identification of unit tested & the maximum rated capacity
4. \*For each emission unit, a table showing:
  - a. Operating rate
  - b. Test Methods
  - c. Pollutants tested
  - d. Test results for each run and the run average
  - e. Pollutant standard or limit
5. Summarized process and control equipment data for each run and the average, as required by the test protocol
6. A statement that test was conducted in accordance with the test protocol or identification & discussion of deviations, including the likely impact on results
7. Any other important information

#### Source Operation

1. Description of process and control devices
2. Process and control equipment flow diagram
3. Sampling port location and dimensioned cross section Attached protocol includes: sketch of stack (elevation view) showing sampling port locations, upstream and downstream flow disturbances and their distances from ports; and a sketch of stack (plan view) showing sampling ports, ducts entering the stack and stack diameter or dimensions

#### Test Results

1. Detailed test results for each run
2. \*Sample calculations
3. \*Description of collected samples, to include audits when applicable



Appendix

1. \*Raw production data
2. \*Raw field data
3. \*Laboratory reports
4. \*Chain of custody records for lab samples
5. \*Calibration procedures and results
6. Project participants and titles
7. Observers' names (industry and agency)
8. Related correspondence
9. Standard procedures

\* <sup>\_\_\_\_\_</sup> Not applicable to visible emission evaluations